

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BILLY MERRIFIELD,

Plaintiff,

vs.

No. CIV 08-0122 JB/ACT

BOARD OF COUNTY COMMISSIONERS FOR
THE COUNTY OF SANTA FE, in its official capacity,
ROMAN ABEYTA, BERNADETTE SALAZAR,
ANNABELLE ROMERO, GREG PARRISH, and
ROBERT APODACA,

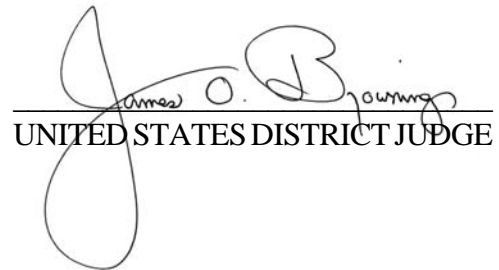
Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on: (i) the United States Court of Appeals for the Tenth Circuit's opinion in the case from the United States District Court for the District of New Mexico (D.C. NO. 2:08-CV-00122-RLP-ACT), filed August 29, 2011 (Doc. 203-1), which affirmed the Honorable Richard L. Puglisi, Chief United States Magistrate Judge's summary judgment on Plaintiff Billy Merrifield's due-process and Fifth-Amendment claims, reversed Judge Puglisi's judgment on the remaining state-law claim, and remanded the case to the United States District Court for the District of New Mexico, where it was assigned to the Court, with instructions to dismiss the state-law claim without prejudice; and (ii) the Tenth Circuit's Judgment in Nos. 10-2175, 10-2179 (D.C. NO. 2:08-CV-00122-RLP-ACT), filed August 29, 2011 (Doc. 203-2), which affirmed Judge Puglisi's judgment in part and reversed it in part, and remanded the case to the District of New Mexico for further proceedings in accordance with the Tenth Circuit's opinion. In accordance with the Tenth Circuit's opinion and judgment, the Court will dismiss without prejudice Merrifield's

state-law claim.

IT IS ORDERED that the remaining state-law claim seeking review of the hearing officer's decision is dismissed without prejudice.



UNITED STATES DISTRICT JUDGE

Counsel:

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